

H. B. 2037

(By Delegate Rowan)

[Introduced January 12, 2011; referred to the Committee on Health and Human Resources then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-33, relating to requiring physicians to take steps designed to save the life of a child delivered alive during an abortion procedure; and prescribing criminal penalties for violations of the section.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-10-33, to read as follows:

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-33. Physicians performing abortions must take measures designed to save the life of any aborted live fetus.

1 (a) It is unlawful for any physician performing an abortion
2 that results in the delivery of a living child to intentionally
3 allow or cause the child to die.

4 (b) If the child is viable, the child shall be immediately
5 provided appropriate medical care and comfort care necessary to
6 sustain life. If the child is not viable, the child shall be
7 provided comfort care. The circumstances to which the provisions
8 of this section apply include, but are not limited to, when a child
9 is born with physical or mental handicapping conditions which, in
10 the opinion of the parent, the physician or other persons,
11 diminishes the quality of the child's life, when a child is born
12 alive during the course of an attempted abortion and when a child
13 is not wanted by the parent.

14 (c) As used in this section the term "child" includes every
15 infant member of the species homo sapiens who is born alive at any
16 stage of development.

17 (d) Any person who violates this section is guilty of a felony
18 and, upon conviction, be imprisoned for not less than one year nor
19 more than ten years in a correctional facility and fined not less
20 than \$25,000 and not more than \$50,000.

21 (e) This article takes effect July 1, 2011.

NOTE: The purpose of this bill is to require physicians to take steps designed to save the life of a child delivered alive

during an abortion procedure. The bill also prescribes criminal penalties for violations of this section.

This section is new; therefore, it has been completely underscored.